

COMPENSATORY EDUCATION PLAN

TO: Local Educational Agency

FROM: Arizona Department of Education/Exceptional Student Services (ADE/ESS)

RE: Compensatory Education Services for Student _____
Complaint Reference # _____

The Arizona Department of Education has determined that _____ local educational agency must provide compensatory educational services to the above-referenced student in order to remedy violations of the Individuals with Disabilities Education Act and corresponding state law. Compensatory education is an in-kind remedy that requires the local educational agency to make up for services that should have been provided to a student. Compensatory education may be required to compensate a student with a disability because of a gap in service, termination, or inadequate amount of services.

In resolution of a complaint filed against the local educational agency, you are required to provide compensatory educational services. The amount, degree, and kind of services will be decided by the student's individualized education program ("IEP") team which includes the parent as a full and equal participant. The award of compensatory education will be reviewed by the Arizona Department of Education in considering whether the local educational agency is in compliance with federal and state law. Failure to comply could result in the interruption or total withholding of federal and state funding.

Attached is a worksheet that must be followed and completed in order to arrive at the IEP team's determination regarding compensatory education. The Arizona Department of Education has supplied the parent with a copy of the worksheet to assist in the planning process. A completed copy will become a part of the student's IEP.

IEP TEAM DETERMINATION OF COMPENSATORY EDUCATION

Student Name: _____

D.O.B: _____

Address: _____

1. What programs or services were not provided to the student that should have been as determined by the Arizona Department of Education? (Note: the IEP team may address areas of deficiencies that may not have been considered by the Department.)

2. Calculate in the smallest discrete unit possible (minutes, hours, days, weeks), the amount or quantity of program or service not provided.

3. What quantity or amount of educationally and developmentally appropriate programs or services will be required to compensate for the deprivation identified by the Arizona Department of Education and/or the IEP team?

In answering this question, consider the following factors and check all that apply:

- _____ the age and educational developmental levels of the child;
- _____ whether regression occurred as a result of the deprivation (evidence of regression includes anecdotal information);
- _____ the intensity of compensatory program or services compared to the intensity of the service not provided;
- _____ the environment in which the compensatory program or service will occur compared to the environment in which the service not provided would have occurred;
- _____ the time of day, week, or year during which the compensatory program of services will be provided compared to the time or day, week or year during which the program or services not provided would have been;
- _____ the training and experience of the compensatory program or service provider compared to that of the provider of the program or service not provided;
- _____ the current rate at which the student can be expected, with the provision of compensatory services, to attain skill levels or learning outcomes that he or she would have attained had the program or service been provided when due.